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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

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August 25, 1994

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Mr. William Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, DC 20554

Re: Tice, Florida

Dear Mr. Caton:

Enclosed herewith on behalf of Gulf Communications Partnership are an original and four copies of its Second Amendment to Petition for Rule Making to modify the FM Table of Allotments.

Should there be any questions regarding this matter, kindly communicate directly with the undersigned.

Very truly yours,

Kathleen Victory

Kathleen Victory

Enclosure

cc: Ms. Nancy Walls

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1 AUG 25 1994

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
)
Amendment of Section 73.202(b))
Table of Allotments)
FM Broadcast Stations)
(Tice, Florida))

DOCKET FILE COPY ORIGINAL

To: Chief, Allocations Branch

SECOND AMENDMENT TO PETITION FOR RULE MAKING

Gulf Communications Partnership, permittee of Station WAAD(FM), Tice, Florida ("Gulf") hereby again respectfully supplements its April 26, 1994, Petition for Rule Making as follows:

1. In its Petition, Gulf sought the following modifications in the FM Table of Allotments designed to permit Gulf to upgrade its authorized channel from 229A to 229C2:

Channel No.

	<u>Present</u>	<u>Proposed</u>
Tice, FL	229A	229C2
Naples, FL	228A	284A
Big Pine Key, FL	284C	283C
Key Colony Beach, FL	288C2	267C2

2. Gulf's Petition acknowledged that the existing allocation for WKKB, Key Colony Beach, Florida --Channel 288C2-- posed no problem with respect to the Gulf proposal, but that a request for the substitution of Channel 280C2 for Channel 288C2 at Key Colony Beach in a pending rule making proceeding, Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Key

Colony Beach, Key Largo and Marathon, Florida), DA 93-532, MM Docket 93-136, RM-8161, released June 3, 1993 (the "Key Largo Rule Making"), would prevent implementation of the Gulf proposal. As a result, anticipating that the Key Largo Rule Making would allow the requested Key Colony Beach channel substitution¹, Gulf's Petition requested an alternate or further channel substitution (Channel 237C2) at Key Colony Beach.

3. In a *Report and Order*, released August 16, 1994, DA 94-869, the Commission resolved the Key Largo Rule Making in favor of the original proponent, substituting, *inter alia*, Channel 280C2 for Channel 288C2 at Key Colony Beach. In light of this resolution of the Key Largo Rule Making, Gulf hereby affirms its independent, non-contingent proposal to substitute Channel 267C2 for the now authorized Channel 280C2 at Key Colony Beach.

4. As indicated in prior submissions, while there is an outstanding construction permit for the Key Colony Beach allocation, Station WKKB(FM), authorized to Richard L. Silva, is unbuilt. Thus, Gulf's additional channel change would have no adverse affect on the permittee. Even if construction of the WKKB were completed prior to the resolution of the Gulf proposal, Silva would encounter little, if any, inconvenience by the additional requested channel change as Channel 267C2 meets the Commission's minimum separation requirements from the permittee's

¹ On June 2, 1994, Gulf submitted an amendment to its Petition to request an alternate substitution of Channel 267C2 at Key Colony Beach in order to alleviate an objection raised by a party in the Key Largo Rule Making.

authorized transmitter site. (See the Engineering Statement of Jefferson Brock submitted with the Gulf's June 2, 1994 Amendment to Petition for Rule Making.) Moreover, Gulf would reimburse the permittee for the costs, if any, incurred as a result of the channel modification.

Accordingly, Gulf again respectfully requests the Commission to issue a notice of proposed rule making to amend its FM Table of Allotments as follows:

	<u>Present</u>	<u>Proposed</u>
Tice, FL	229A	229C2
Naples, FL	228A	284A
Big Pine Key, FL	284C	283C
Key Colony Beach, FL	280C2	267C2

and to modify the WAAD(FM), WKKB(FM), WWUS(FM), and WNOG(FM) authorizations accordingly.

Respectfully submitted,

GULF COMMUNICATIONS PARTNERSHIP

By Kathleen Victory
Howard M. Weiss
Kathleen Victory
Its attorneys

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August 25, 1994

CERTIFICATE OF SERVICE

I, Diane Roper, a secretary in the law firm of Fletcher, Heald and Hildreth, do hereby certify that true copies of the foregoing "Second Amendment to Petition for Rule Making" were sent this 25th day of August, 1994, by postage paid first-class United States mail to the following:

John Karousos *
Acting Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau
Federal Communications Commission
2025 M Street, N.W., Room 8322
Washington, D.C. 20554

Ms. Nancy J. Walls *
Allocations Branch
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*Via Hand Delivery


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